IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 2 of 2005

Between:

Sri Jangiti Narsimulu, s/o late Laxmaiah,
r/o Balwanthapur Village, Dubbak Mandal, Medak District.

..... PETITIONER

AND

1 The Joint Collector,Medak District, Sangareddy
2 The Revenue Divisional Officer, Siddipet, Medak District.
3 The Mandal Revenue Officer, Dubbak Mandal, Dubbak, Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order, or direction more particularly in the nature of certiorari, calling for the records vide Notification No.B/932/2004, dt.21-12-2004, issued by the respondent No.2 and quash the same as illegal, arbitrary and violation of the principles of the natural justice, and, consequently to direct the respondent No.2 to continue the petitioner to run his dealership in his village Balwanthapur, Dubbak Mandal, Medak District.

Counsel for the Petitioner:MR.A.THIRUPATHI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Against the cancellation of the authorization of Fair Price Shop issued to the petitioner by the second respondent-Revenue Divisional Officer, Siddipet, Medak district, the petitioner preferred an appeal before the first respondent-Joint Collector, Medak district and the same is pending. Pursuant to such cancellation, the impugned notification was issued inviting applications for appointment of a fair price shop dealer.

It is well settled that when a statutory appeal is pending before the appellate authority, a writ for the same relief cannot be entertained in view of the law laid down by the Supreme Court in BMRDA v. GOKAK PATEL VOKART, except directing the appellate authority to dispose of the appeal.

In view of the same, the first respondent is directed to dispose of the appeal filed by the petitioner at the earliest and if any selection made pursuant to the notification shall be subject to the result of the appeal and the appointing authority shall specify the same while appointing the fair price shop dealer.

The writ petition is accordingly disposed of. No costs.

5th JANUARY, 2005.

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To

1 The Joint Collector,Medak District, Sangareddy
2 The Revenue Divisional Officer, Siddipet, Medak District.
3 The Mandal Revenue Officer, Dubbak Mandal, Dubbak, Medak District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CD copies.